



W.P.No.23321 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23321 of 2021

And

W.M.P.Nos.24594 and 24597 of 2021

1.R.Jayaprabha
2.R.Sugapriya

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Thirupur,
Thirupur District.

2.S.Ramasamy
3.R.Hemalatha

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the first respondent from proceeding with the complaint on 22.09.2021 filed by the second respondent.

For Petitioners : Mr.M.Gnanasekar

For Respondents : Mr.U.Baranidharan for R1
Additional Government Pleader
Mr.S.Kumaran for R2
Mr.R.Jayaprakash for R3



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ORDER

W.M.P.No.24594 of 2021 filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2.The petitioners have filed this writ petition seeking issuance of Writ of Mandamus forbearing the first respondent from proceeding with the complaint dated 22.09.2021 filed by the second respondent.

3.The learned counsel appearing for the petitioners submitted that the petitioners and the third respondent are the daughters of the second respondent. Out of love and affection, the second respondent executed settlement deed dated 21.12.2005 in favour of the first petitioner prior to the senior citizen Act, 2007, settlement deed dated 09.01.2008 in favour of the petitioner, settlement deed dated 09.01.2008 in favour of the second petitioner, settlement deed dated 19.11.2008 in favour of the petitioners and third respondent, settlement deed dated 20.05.2011 in favour of the petitioners and



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third respondent. Subsequently the second respondent claim that the petitioners are not taking care of the second respondent and made complaint under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, before the first respondent.

4.The learned counsel appearing for the petitioner further submitted that the second respondent executed irrevocable settlement deed in favour of the petitioners and there is no condition in the settlement deed and further submitted that without any condition, the settlement deed cannot be cancelled.

5.The learned Additional Government Pleader appearing for the first respondent submitted that the second respondent has made complaint as against the petitioners who are his daughters under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. If at all the petitioners have any grievance, they have to participate in the enquiry proceedings and put forth their grievance before the first respondent, however, they hurriedly filed the writ petition which is not sustainable one.



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6.The learned counsel appearing for the second respondent submitted that the second respondent has not executed irrevocable settlement deed and there is condition in the settlement deed and since the condition was not complied with, the second respondent filed complaint before the first respondent and further submitted that if at all the petitioners have any grievance, they have to participate in the enquiry proceedings before the first respondent.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.The petitioners have filed this writ petition for Mandamus forbearing the first respondent from proceeding with the complaint dated 22.09.2021 filed by the second respondent. If at all the petitioners have any grievance, they have to participate in the enquiry proceedings and put forth their grievance before the first respondent, instead, they have filed the writ petition, which is not sustainable one.

9.The writ petition is accordingly dismissed. Liberty is granted to



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the petitioners to participate in the enquiry proceedings before the first respondent. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Revenue Divisional Officer,
Thirupur,
Thirupur District.



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M.DHANDAPANI,J.
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